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14 Attorneys for Nominal Defendant  
15 EXTREME NETWORKS, INC.

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16 In re EXTREME NETWORKS, INC.  
17 SHAREHOLDER DERIVATIVE  
18 LITIGATION

19 This Document Relates To:

20 ALL ACTIONS

21 Case No. C-07-02268-RMW

22 **STIPULATION AND []  
23 ORDER CONTINUING HEARING DATE  
24 FOR NOMINAL DEFENDANT EXTREME  
25 NETWORKS, INC.'S MOTION TO  
26 DISMISS AND MOTION TO STRIKE**

1                   **TO THE HONORABLE COURT:**

2                   Plaintiff and Nominal Defendant Extreme Networks, Inc. hereby stipulate and agree, by  
3 and through their undersigned counsel of record, as follows:

4                   WHEREAS, this is a consolidated shareholder derivative action in which Plaintiff alleges  
5 claims for violations of Sections 10(b), 14(a), and 20(a) of the Securities Exchange Act of 1934,  
6 15 U.S.C. §§ 78j(b), 78n(a), 78t(a), Rule 10b-5, 17 C.F.R. § 240.10b-5, and state law claims  
7 concerning stock options grants and related accounting practices by Nominal Defendant Extreme  
8 Networks, Inc.;

9                   WHEREAS, Plaintiff filed his Second Amended Consolidated Complaint in this action on  
10 February 25, 2008 (Docket Entry No. 67);

11                   WHEREAS, Nominal Defendant Extreme Networks, Inc. filed its Motion to Dismiss  
12 Plaintiff's Second Amended Complaint and Motion to Strike certain portions of Plaintiff's  
13 Second Amended Complaint on April 10, 2008 (Docket Entry No. 68);

14                   WHEREAS, Nominal Defendant Extreme Networks, Inc.' Motion to Dismiss and Motion  
15 to Strike was originally noticed for hearing on June 27, 2008 at 9:00 a.m. (Docket Entry No. 68);

16                   WHEREAS, on the Court's own motion, the hearing date for Nominal Defendant Extreme  
17 Networks, Inc.'s Motion to Dismiss and Motion to Strike was continued to July 18, 2008 at 9:00  
18 a.m. (Docket Entry No. 73);

19                   WHEREAS, due to Nominal Defendant Extreme Networks, Inc.'s scheduling conflicts,  
20 Plaintiff and Nominal Defendant Extreme Networks, Inc. have agreed to continue the July 18,  
21 2008 hearing date for Nominal Defendant Extreme Networks, Inc.'s Motion to Dismiss and  
22 Motion to Strike to August 8, 2008 at 9:00 a.m., or a date and time thereafter depending on the  
23 Court's availability;

24                   NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between  
25 the undersigned counsel for all parties, as follows:

26                   1.           The hearing date for Nominal Defendant Extreme Networks, Inc.'s Motion to  
27 Dismiss and Motion to Strike shall be continued to August 8, 2008 at 9:00 a.m., or a date and  
28

1 time thereafter, depending on the Court's availability.

2 **IT IS SO STIPULATED.**

3 Dated: June 26, 2008

4 **MORGAN, LEWIS & BOCKIUS LLP**  
5 JOHN H. HEMANN  
JOSEPH E. FLOREN  
JONATHAN M. DEGOOYER  
LAURA A. LEE

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7 By: /s/ Jonathan M. DeGooyer  
8 Jonathan M. DeGooyer

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11 **Attorneys For Nominal Defendant**  
12 **Extreme Networks, Inc.**

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1 Dated: June 26, 2008

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**Lead Counsel for Plaintiff**

I, Jonathan M. DeGooyer, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER. I hereby attest that the signatory identified above has concurred in this filing.

## ORDER

**PURSUANT TO THE FOREGOING STIPULATION, AND GOOD CAUSE  
APPEARING, THE COURT ORDERS AS FOLLOWS:**

The hearing date for Nominal Defendant Extreme Networks, Inc.'s Motion to Dismiss and Motion to Strike shall be continued to August 8, 2008 at 9:00 a.m.

DATED: 7/10, 2008

Ronald M. Whyte  
Hon. Ronald M. Whyte  
United States District Judge

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